

**Tennessee Department of Environment and Conservation
Division of Solid Waste Management
Response to Public Comments**

**The Compost Company, LLC. CMP110000004, New Permit
January 19, 2015**

Comment 1

1a: I am opposed to decreasing the setback to 75 feet from the 100 feet generally required to the onsite pond as there potential for contact between compost and pond.

1b: I am opposed to the smell, rats, vermin, flies, and leptospirosis that emanates from this facility.

1c: I am concerned that raw meat may be accepted at this facility even though the permittee has stated they will not accept it.

1d: I am concerned that some neighbors are being given free compost in return for favorable support.

Response for Comments 1

1a: Composting permits, like landfill permits, per Rule 0400-11-01-.11(3); require that all waste management operations must be located, designed, constructed, operated and maintained at a minimum of 100 feet from all property lines. Rule 0400-11-01-.01(5) states that any standard or requirement within the rules may be waived by the Commissioner if the operator can demonstrate that the standard is inapplicable, inappropriate, or unnecessary to the facility. The pond referenced in the comment is an existing farm pond that has been modified to contain storm water runoff. The feedstock storage areas and processing areas of the facilities have been designed so that contact water associated with these areas will not be diverted to the pond. The Tennessee Department of Environment and Conservation (TDEC, Department) feels that usage of the existing pond is appropriate for storm water control and does not necessitate construction and maintenance of a separate pond for storm water control and therefore has granted a variance to the distance standard per the request of the applicant.

1b: While the Department recognizes and acknowledges that odor and other problems have occurred previously at this site under its older Permit-by-Rule (Permit # SWP110001454 issued 09-16-2011); the operations plan and design associated with the new permit have provisions for controlling vectors and odors. If the facility operates within its permit conditions, future issues should be minimized. The Department will inspect the facility, at a minimum, on a quarterly basis to insure the operation is in compliance.

1c: The facility will not be permitted to accept raw meat as a feedstock. Any occurrence of accepting this material will result in a permit violation.

1d: The State's rules, statutes and permitting conditions do not extended to the regulation of the sale and distribution of finished compost from this facility.

Comment 2

2a: We are opposed the increased size of the compost company.

2b: This permit should not be allowed in a residential and farming community.

2c: That facility is located on a scenic highway. The State should require a privacy fence around the property

2d: The facility has brought down our property value.

2e: At public hearing, the pictures presented of the compost company do not truthfully portray the current facility conditions.

2f: Trucks from the facility leave mud and debris on the highway.

2g: The existing permit has been out of compliance and the state has a record of complaints that show the history of odors, vectors and poor management.

2h: The facility has been giving away free compost to win support from neighbors.

Response for Comments 2

- 2a: The maximum capacity for the new permit is 13,330 cubic yards of finished compost per year as outlined in the approved operations manual by which the size of the operation will be limited to. The capacity of the previous permit was 10,000 cubic yards per Rule 0400-11-01-.11(1)(b)5. The new permit brings the operation into compliance by prescribing operation procedures for proper management of feedstocks including food waste residuals which are not permitted under Rule 0400-11-01-.11(1)(b)5 which governed the previous permit.
- 2b: As part of the permitting process, the applicant is required to submit information on local zoning and the local zoning authority. The Department has confirmed that the facility complies and is compatible with all existing local development and zoning plans.
- 2c: The Part II application for composting facilities requires only a description of the operation in relation to existing roads, highways and other access points. Scenic highway status is not covered under the regulatory requirements.
- 2d: There is no regulatory requirement for this type of permit to provide for the projected impact on property values created by the facility.
- 2e: The public hearing follows a standard format in which the Department explains the permitting process and then explains the permit it has received in regards to material required, material received, timelines and any other factual information the public would need to be aware of. The applicant is then allowed to give a presentation of their own creation to the audience. The Department allows the public to ask questions about any part of the permitting process or the presentations given. The public is also allowed to access all permit documents. Any pictures shown during the applicant's presentation is at the discretion of the applicant and has no bearing on the Department's permit decision.
- 2f: The Tennessee Department of Transportation (TDOT) is responsible for the maintenance of the highway and is the State agency that needs to be contacted if conditions including mud, pose a safety hazard or nuisance to motorists. In addition, the general state of the operation including any excessive amounts of mud or dirt tracked outside of the facility will be addressed during TDEC inspections.
- 2g: The Compost Company failed to operate and maintain its facility in accordance with the Tennessee Solid Waste Disposal Act and the conditions of its original permit by rule. The Division of Solid Waste Management (DSWM) and the Compost Company entered into a Compliance Agreement on March 18, 2013, requiring submittal of a full permit application by July 16, 2013. The application was received on July 24, 2013, and was found to not fully meet the intent of the Compliance Agreement. In response to the Department's deficiency notice, the Compost Company informed the Department that they intended to postpone the full permit application and would scale back activities to comply with their original permit. On May 18, 2015, the Compost Company submitted to the Division a complete permit application to operate a fully permitted composting facility. The issuance of a full permit to The Compost Company requires them to operate under specific permit terms and conditions in which they must strictly comply. Any future noncompliance with any condition of the permit that is determined to be significant and repeated can be cause for penalties including but not limited to monetary fines and permit termination.
- 2h: See response 1d.

Comment 3

3a: County officials slipped the permit by property owners without notification.

3b: The State imposes rules just to change them at the request of the applicant.

3c: Why is there a section for waivers.

3d: We believe the facility specific conditions will not be followed.

3e: We insist that the notice of deficiency be addressed before a full permit is granted. The facility must be held to all agreements stated in documents dated Aug. 19, 2013, Re. Compliance Agreement, permit application SWP 11-1454.

3f: It was stated at the presentation from the applicant that there would be raw meat used in composting procedures. This is a health hazard and should not be tolerated.

Response for Comments 3

3a: DSWM recognizes the importance of public input in the permitting process. In addition, the public hearing and comment period are prescribed by regulation to allow for public participation in the permitting process. The Compost Company, LLC submitted a permit application to the DSWM in May 2015. A preliminary notice was published in The Ashland City Times on August 12, 2015 to inform the public of the submitted permit application and the permitting process. After review of the complete application a Public Hearing and Intent to Issue a Permit Notice was published by the DSWM in The Ashland City Times on November 11, 2015. As announced in the notice, the public hearing was held on November 30, 2015 during the 45-day comment period that ended on December 28, 2015. In addition, each notice is published on TDEC's website and sent to various stakeholders who have requested to be kept informed of environmental topics in their community. At the website <https://www.tn.gov/environment/topic/ppo-waste> information on how to receive updates can also be found. Any additional local government requirements outside of the State required processes are outside of TDEC's jurisdiction.

3b: See Response 1a.

3c: See Response 1a.

3d: The Facility Specific Conditions outlined in the permit are conditions added by the Department in addition to all standard regulatory requirements including compliance with the submitted facility operations manual. Facility Specific Conditions are a standard practice to address conditions that are unique to an individual permit. The facility will be held to all permit conditions. The permittee must comply with all conditions in their permit, unless otherwise authorized by the Department in writing. Any permit noncompliance constitutes a violation and is grounds for termination, revocation and/or reissuance, or modification of the permit and/or the assessment of civil penalties by the Commissioner.

3e: See response 2g. The current permit, new operations manual and requirements function as the mechanism to bring the applicant into compliance by converting the Permit-by-Rule into a fully regulated Compost Facility permit. The new application has been reviewed by the Nashville Environmental Field Office and peer reviewed by the TDEC central office and deemed to be in compliance.

3f: See response 1c.